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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENYIAHIA HEBBAR,

Defendants.

2:16-cr-00564-NJK

Stipulation to Continue the
Preliminary Hearing (*First
Request*)

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, and BRENDA WEKSLER, Assistant Federal Public Defender, counsel for defendant, that the preliminary hearing date in the above-captioned matter, currently scheduled for August 29, 2016, at 4:00 pm, be vacated and continued for fourteen (14) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties have initiated discussions regarding resolving the case pre-indictment. Additional time is needed for defense counsel to go through discovery,

1 discuss the discovery with her client, and to to discuss any potential resolution.

2 2. The parties agree to the continuance.

3 3. Defendant Hebbbar is in custody but does not object to a brief continuance.

4 4. Additionally, denial of this request for continuance could result in a
5 miscarriage of justice.

6 5. The additional time requested herein is not sought for purposes of delay,
7 but to allow for a potential pre-indictment resolution of the case.

8 6. The additional time requested by this stipulation, is allowed, with the
9 defendant's consent under the Federal Rules of Procedure 5.1(d).

10 7. This is the first request for a continuation of the preliminary hearing.

11 DATED this 23rd day of August, 2016.

12 Respectfully submitted,
13 DANIEL G. BOGDEN
United States Attorney

14 //s/
15 BRENDA WEKSLER, ESQ.
16 Counsel for Defendant
BENYAIHIA HEBBAR

17 //s/
18 CRISTINA D. SILVA
19 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:16-cr-00564-NJK

Plaintiff,

vs.

ORDER

BENYIAHIA HEBBAR,

Defendants.

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have initiated discussions regarding resolving the case pre-indictment. Additional time is needed for defense counsel to go through discovery, discuss the discovery with her client, and to to discuss any potential resolution.

2. The parties agree to the continuance.

3. Defendant Hebbbar is in custody but does not object to a brief continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuance of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for August 29, 2016, at the hour of 4:00 pm, be vacated and continued to September 12, 2016, at 4:00 p.m., in Courtroom 3C.

DATED 25 day of August, 2016.


THE HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE